IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TENNESSEE WESTERN DIVISION

MICHAEL ANDY DEAN,)
Plaintiff,)
v. DTZ INC., A UGL COMPANY,) No. 15-cv-2721-SHL-cgc
Defendant.)))
)

ORDER GRANTING MOTION TO DISMISS AND DENYING MOTION TO PROCEED IN FORMA PAUPERIS AS MOOT

Before the Court is *pro se* Plaintiff Michael Andy Dean's¹ ("Plaintiff") Motion to Dismiss. (ECF No. 5.) Plaintiff filed a Complaint on November 4, 2015, alleging claims of race discrimination in violation of Title VII of the Civil Rights Act, 42 U.S.C. § 2000e *et seq.*, and age discrimination in violation of the Age Discrimination Act and the Lilly Ledbetter Act against Defendant DTZ Inc., A UGL Company ("Defendant"). (ECF No. 1.) Defendant has not yet responded to the Complaint. Plaintiff's Motion indicates that he seeks dismissal of the case because he has returned to work. (ECF No. 5 at 1.) Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)-(B), a "plaintiff may dismiss an action without a court order by filing . . . a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment . . . [moreover,] [u]nless the notice or stipulation states otherwise, the dismissal is without prejudice." Accordingly, Plaintiff's Motion is **GRANTED** and his claims are hereby **DISMISSED WITHOUT PREJUDICE**. Plaintiff's Motion to Proceed *in forma pauperis* is **DENIED AS MOOT.** (ECF No. 4.)

¹ Plaintiff submitted his Complaint with the heading "Michael Andy Dean," but states within its text that the proper sequence of his name is "Andy Michael Dean." (ECF No. 1 at 2.)

IT IS SO ORDERED, this 18th day of December, 2015.

s/ Sheryl H. Lipman SHERYL H. LIPMAN UNITED STATES DISTRICT JUDGE